

# UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

United States of America

v.

Jonathan GARCIA-CISNEROS a.k.a. Jonathan  
Garcia Cisneros, Jonathan Cisneros, Johnathan  
Garcia Cisneros, Johnathan Cisneros, Yonatan  
Garcia-Cisneros, Alexis Alvarez, Alexis Alvarado, +

Case No. 1:18 MJ 174

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 14, 2018 in the county of Forsyth in the  
Middle District of North Carolina, the defendant(s) violated:

Code Section

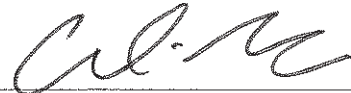
8 USC Section 1326(a)

Offense Description

Being found in the United States while an alien being previously removed or  
deported from the United States without the express consent of the Attorney  
General or the Secretary of the Department of Homeland Security to reapply  
for admission to the United States, in violation of Title 8, United States Code,  
Sections 1326(a).

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

Erin North, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 6/12/2018

City and state: Winston-Salem, North Carolina



Judge's signature

Joi Elizabeth Peake United States Magistrate Judge

Printed name and title

IN UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

AFFIDAVIT

I, Erin North, Deportation Officer, U.S. Immigration and Customs Enforcement, United States Department of Homeland Security, being duly sworn, state that:

1. Your Affiant is a graduate of the Federal Law Enforcement Training Center (FLETC) and has been employed as a federal officer of Immigration and Customs Enforcement (ICE) for twelve years, during which time she has conducted numerous investigations relating to administrative and criminal violations of the Immigration & Nationality Act (INA).

2. The information contained in this affidavit is based on your Affiant's personal participation in this investigation and from information provided to your Affiant by other law enforcement officers. This affidavit is submitted for the limited purpose of establishing probable cause to support the issuance of a criminal complaint against Jonathan GARCIA-CISNEROS, also known as Jonathan Garcia Cisneros, Jonathan Cisneros, Johnathan Garcia Cisneros, Johnathan Cisneros, Yonatan Garcia-Cisneros, Alexis Alvarez, Alexis Alvarado, Alfredo, and Pequena Flecha [hereafter referred to as GARCIA-CISNEROS]. Your Affiant has not included each and every fact known to her concerning this

investigation but has set forth only those facts believed to be necessary for said purpose.

3. I respectfully assert that sufficient evidence exists to support a probable cause finding that GARCIA-CISNEROS has violated Title 8, United States Code, Section 1326(a) (illegal reentry into the United States by an alien who was previously removed from the United States). GARCIA-CISNEROS did not obtain the consent of the Attorney General of the United States prior to March 1, 2003, nor the Secretary of the Department of Homeland Security after February 28, 2003, to reapply for admission to the United States after said removal.

4. On May 14, 2018, GARCIA-CISNEROS was arrested in Forsyth County, NC, by Winston-Salem Police for RESISTING PUBLIC OFFICER, ASSAULT ON GOVERNMENT OFFICIAL, and SECOND-DEGREE TRESPASS, and detained at the Forsyth County Jail in Winston-Salem. From the Forsyth County Jail, GARCIA-CISNEROS' fingerprints were submitted to the FBI pursuant to the federal initiative titled Secure Communities via an Immigration Alien Query, thereby running his fingerprints through the Next Generation Identification (NGI) system, which is connected to the National Crime Information Center (NCIC), and an automated biometric identification system used by ICE termed IDENT. The fingerprint-based report disclosed that GARCIA-CISNEROS was the subject of FBI number XXX781CD1, State

Identification Number NCXXX1202A, Immigration A-file number XXX-233-910, and that immigration records indicated that he was previously removed from the United States without record of legal re-entry. An ICE detainer was lodged against GARCIA-CISNEROS with the Forsyth County Jail later that same day.

5. On May 15, 2018, GARCIA-CISNEROS was interviewed, fingerprinted, and photographed by ICE Officers at the Forsyth County Jail in Winston-Salem, NC. ICE Officers subsequently submitted GARCIA-CISNEROS' fingerprints through Next Generation Identification (NGI), which is connected to the National Crime Information Center (NCIC), and the automated biometric identification system used by ICE termed IDENT. The fingerprint-based reports confirmed that he was the subject of FBI number XXX781CD1, State Identification Number NCXXX1202A, and Immigration A-file number XXX-233-910.

6. On June 06, 2018, GARCIA-CISNEROS was convicted in Forsyth County, NC, District Court for RESISTING PUBLIC OFFICER, in violation of General Statute 14-223, ASSAULT ON GOVERNMENT OFFICIAL, in violation of General Statute 14-33(C)(4), and SECOND-DEGREE TRESPASS, in violation of General Statute 14-159.13, and was sentenced to thirty (30) days of confinement. Court Docket 2018cr54298; date of arrest was May 14, 2018.

7. Your Affiant conducted criminal justice database searches and reviewed Immigration A-file XXX-233-910 relating to GARCIA-CISNEROS and discovered that:

- a) his name is Jonathan GARCIA-CISNEROS, per his own admission;
- b) he is also known as Jonathan Garcia Cisneros, Jonathan Cisneros, Johnathan Garcia Cisneros, Johnathan Cisneros, Yonatan Garcia-Cisneros, Alexis Alvarez, Alexis Alvarado, Alfredo, and Pequena Flecha;
- c) he is citizen of Mexico by virtue of birth in Guerrero, Mexico, on April 28, 19XX, per his own admission. He has also used June 28, 1991, September 28, 1991, and December 28, 1991, as his date of birth;
- d) he was assigned FBI number XXX781CD1 and SID number NCXXX1202A;
- e) on August 4, 2009, he was convicted in Forsyth County, NC, District Court for the lesser offense POSSESS MARIJUANA UP TO 1/2 OUNCE, in violation of General Statute 90-95(D)(4), OPEN CONTAINER ALCOHOL VIOLATION, in violation of local ordinance, and CONTRIBUTING TO THE DELINQUENCY OF A JUVENILE, in violation of General Statute 14-316.1, and was sentenced to forty-five (45) days of confinement, suspended for twelve (12) months of supervised probation. Court Docket 2009cr50400; date of arrest was January 12, 2009;

- f) on August 4, 2009, he was convicted in Forsyth County, NC, District Court for INJURY TO REAL PROPERTY, in violation of General Statute 14-127. Court Docket 2008cr60416; consolidated for judgment with 2009cr50400; date of arrest was September 22, 2008;
- g) on August 4, 2009, he was convicted in Forsyth County, NC, District Court for GRAFFITI ON PUBLIC PROPERTY, in violation of local ordinance. Court Docket 2008cr34268; consolidated for judgment with 2009cr50400; date of arrest was September 22, 2008;
- h) on November 03, 2009, supervised probation as set forth on August 04, 2009, by Forsyth County, NC, District Court for POSSESS MARIJUANA UP TO 1/2 OUNCE, OPEN CONTAINER ALCOHOL VIOLATION, and CONTRIBUTING TO THE DELINQUENCY OF A JUVENILE, was revoked, and the forty-five (45) days that had been previously suspended were activated [with twenty-seven (27) days of credit]. Court Docket 2009cr50400;
- i) on November 4, 2009, he was convicted in Forsyth County, NC, District Court for SIMPLE AFFRAY, in violation of General Statute 14-33(A), and RESISTING PUBLIC OFFICER, in violation of General Statute 14-223, and was sentenced to one (1) day of confinement. Court Docket 2009cr40172; date of arrest was October 03, 2009;



- j) on December 08, 2009, he was encountered by ICE Special Agents pursuant to information received by Winston-Salem, NC, Police in reference to his criminal activity, to include his status as a validated member of the violent street gang SUR-13. He was determined to be unlawfully present in the United States and was placed into removal proceedings;
- k) on January 15, 2010, he was ordered removed from the United States to Mexico by an Immigration Judge at Lumpkin, GA;
- l) on January 26, 2010, agency form I-205 Warrant of Removal/Deportation was executed by including his photograph, fingerprint, and signature, and GARCIA-CISNEROS was removed from the United States to Mexico, afoot, at Brownsville, TX, being advised prior to removal that he was prohibited from entering, attempting to enter, or being in the United States for a period of ten years from the date of his departure from the United States without the express consent of the Attorney General. He was further advised that doing so without the express consent of the Attorney General was a crime;
- m) on May 25, 2013, he was encountered by Border Patrol Agents near Laredo, TX, and was determined to be unlawfully present in the United States;

- n) on May 26, 2013, his order of removal was reinstated by designated officials in Laredo, TX;
- o) on May 28, 2013, he was convicted in the United States District Court for the Southern District of Texas, Laredo Division, for ILLEGAL ENTRY, in violation of Title 8, United States Code, Section 1325(a)(1), and was sentenced to forty (40) days of imprisonment, "*with a special condition not to return to the U.S. illegally or commit any other violation of federal and /or state laws*". Criminal Case Number 5:13-po-07437; date of arrest was May 28, 2013;
- p) on July 03, 2013, agency form I-205 Warrant of Removal/ Deportation was executed by including his fingerprint, signature (his initials), and photograph, and GARCIA-CISNEROS was removed from the United States to Mexico, afoot, at Laredo, TX, being advised prior to removal that he was prohibited from entering, attempting to enter, or being in the United States for a period of 20 years from the date of his departure from the United States without the express consent of the Secretary of Homeland Security. He was further advised that doing so without the express consent of the Secretary of Homeland Security was a crime.

8. On June 06, 2018, your Affiant conducted record checks of immigration indices and was unable to locate any record that GARCIA-CISNEROS was granted permission by the Attorney General of the United States or the



Secretary of the Department of Homeland Security to apply for admission to the United States after deportation/removal.

9. On June 08, 2018, Department of Homeland Security's Biometric Support Center – West Latent Print Examiner P. Nolte compared the known fingerprint impressions of GARCIA-CISNEROS taken by ICE Officers on two NCICE FD-249 arrest tenprint cards dated May 15, 2018, to Winston-Salem, NC, Police arrest tenprint card in the name Jonathan Garcia Cisneros for POSSESS WITH INTENT TO SELL DELIVER MARIJUANA and CONTRIBUTING TO THE DELINQUENCY OF A JUVENILE dated January 12, 2009; NCICE FD-249 arrest tenprint card from A-file XXX-233-910 dated December 08, 2009; I-294 Warning to Alien Ordered Removed or Deported from A-file XXX-233-910 dated January 20, 2010; I-205 Warrant of Removal/ Deportation from A-file XXX-233-910 executed January 26, 2010, at Brownsville, TX; TXCBP FD-249 arrest tenprint card from A-file XXX-233-910 dated May 25, 2013; and I-205 Warrant of Removal/ Deportation from A-file XXX-233-910 executed July 03, 2013, at Laredo, TX; and determined that the fingerprints were made by the same individual.

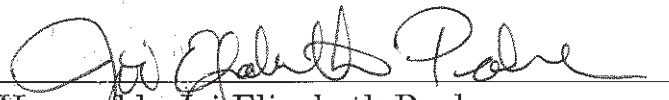
10. Based on the above information your Affiant respectfully requests the issuance of a criminal complaint against Jonathan GARCIA-CISNEROS.



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Erin North, Deportation Officer  
United States Immigration and Customs Enforcement

Sworn to and subscribed before me this 12<sup>th</sup> day of June, 2018,



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Honorable Joi Elizabeth Peake  
United States Magistrate Judge